

BEFORE  
THE PUBLIC SERVICE COMMISSION OF  
SOUTH CAROLINA  
DOCKET NO. 2021-192-E - ORDER NO. 2021-657  
SEPTEMBER 30, 2021

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| IN RE: Dominion Energy South Carolina,  | ) | ORDER GRANTING   |
| Incorporated, Coal Retirement Docket    | ) | PETITION TO      |
| Opened Pursuant to Commission Order No. | ) | INTERVENE OUT OF |
| 2021-418                                | ) | TIME             |

This matter comes before the Public Service Commission of South Carolina (“the Commission”) on the Petition to Intervene Out of Time in this Dominion Energy South Carolina, Incorporated (“DESC”) Docket filed by the South Carolina Energy Users Committee (“SCEUC”). SCEUC states that it is an association organized in the State of South Carolina, consisting of large industrial consumers of energy which are engaged in various manufacturing enterprises throughout the state. SCEUC further notes that it is organized for the purposes of intervening and participating in regulatory proceedings to advocate for cost based electric rates that are just and reasonable.

On June 9, 2021, the Commission issued Directive Order No. 2021-418 stating: “The revisions to the DESC 2020 IRP previously ordered by the Commission resulted in Resource Plan 8 [RP 8] being selected by DESC as the 'preferred portfolio' to lessen ratepayer impact, promote reliability, incorporate renewable energy, reduce carbon dioxide emissions, and is considered the least risky of the resource plans. RP 8 also retires the Wateree and Williams coal plants in 2028 and converts the Cope coal plant to natural gas in 2030.” The Directive Order instructed the Clerk's Office to issue a notice for

intervention and comment from all interested parties and stakeholders. On June 23, 2021, the Clerk's Office issued a Notice for Intervention and Comment which included the information that Petitions to Intervene in this Docket should be filed on or before August 2, 2021. SCEUC filed its Petition to Intervene Out of Time on September 8, 2021.

Under Commission Regulation, the Commission must determine whether or not the petitioning party has clear factual support or grounds for the proposed intervention. S.C. Code Ann. Regs. 103-825(A)(3) requires that parties filing a Petition to Intervene in a matter pending before the South Carolina Public Service Commission must set forth clearly and concisely:

- (a) The facts from which the nature of the petitioner's alleged right or interest can be determined;
- (b) The grounds of the proposed intervention;
- (c) The position of the petitioner in the proceeding.

S.C. Code Ann. Regs. 103-825(A)(3) (2012). If the proposed intervenor has not determined its position at the time of its Petition, it must clearly state that this is the case, and the Commission may take this into consideration in lieu of satisfying the third criterion of the Regulation.

In addition to asserting that it consists of large industrial customers of energy, SCEUC states that the members of SCEUC take electric service from DESC, consuming and purchasing substantial amounts of electricity from the Company. Further, SCEUC notes that it and its members have a real, material, and substantial interest in the subject matter to be addressed and resolved by the Commission in this docket. Further, according to the Petition, SCEUC members will suffer an adverse impact if Resource Plan 8 fails to lessen ratepayer impact, adequately promote reliability, incorporate renewable energy,

and/or reduce carbon dioxide emissions, and proves to be more risky than anticipated. This could result in increased electric rates; and, as a consequence, SCEUC's members would be aggrieved by an order by the Commission that ultimately results in increased electric rates. Further, SCEUC states that the interests of its members are not adequately represented by the current parties to the proceeding. With these assertions, SCEUC has satisfied the first two required elements for a Petition to Intervene, i.e. the facts from which the petitioner's alleged right or interest can be determined, and the grounds of the proposed intervention.

Addressing the third requirement, that is, the position of the petitioner in the proceeding, SCEUC asserts that, given the state of the record at this stage of the proceedings, it lacks sufficient information to fully develop and state its position in this proceeding at this time. As stated above, this statement may be taken into consideration in lieu of satisfying the third criterion of the Regulation. This Commission will take SCEUC's statement into consideration in lieu of SCEUC satisfying the third criterion of the Regulation.

Accordingly, the Commission believes that the requirements of the Regulation for Intervention have been satisfied. However, as noted above, SCEUC filed its Petition to Intervene past the deadline set by the Clerk's Office, and therefore, SCEUC filed its Petition to Intervene Out of Time. Although SCEUC did not directly address the reason for its late-filed Petition to Intervene, as SCEUC has pointed out, the Notice of Hearing and prefiling schedule were issued in this docket on September 3, 2021. The transmittal letter

was issued on September 3, 2021, and the prefiling of direct testimony has been scheduled for November 15, 2021, with rebuttal testimony to be prefiled by November 29, 2021.

SCEUC asserts that the Directive creating this docket sought to encourage comment from all interested parties and stakeholders. SCEUC further notes that permitting it to intervene out of time will advance the Commission's goal of encouraging the widest participation in these proceedings as is practicable. SCEUC also points out its view that, at this stage of the proceedings, no party or stakeholder will be prejudiced by permitting SCEUC to intervene out of time.

The Commission examines both possible prejudice to the other parties, as well as potential delay caused by the late intervention. We believe that SCEUC is correct in stating that no prejudice to other parties will result from allowing SCEUC to intervene out of time. We also believe that such an intervention will not delay the proceedings.

Accordingly, we hold that the Petition of SCEUC to Intervene Out of Time should be granted in this case.

### **FINDINGS OF FACT**

1. SCEUC has addressed the facts from which the nature of its alleged right or interest can be determined; the grounds of the proposed intervention; and its position in the proceeding, and SCEUC has satisfied those standards.

2. SCEUC has also successfully addressed whether or not allowing it to intervene out of time would cause undue delay or prejudice to the other parties to the case, and SCEUC has convinced this Commission that neither a delay of the proceeding, nor undue prejudice would result to the other parties.

3. Allowing SCEUC to intervene out of time would advance the Commission's goal of encouraging the widest participation in these proceedings as practicable.

4. The Petition to Intervene Out of Time should be granted.

### CONCLUSIONS OF LAW

1. SCEUC has satisfied the criteria of S.C. Code Ann. Regs. 103-825(A)(3) for granting a Petition to Intervene.

2. Although SCEUC is intervening out of time, the intervention would neither cause a delay in the proceeding, nor would prejudice result to the other parties in the case. Therefore, intervention out of time is reasonable in this case.

3. The Petition of SCEUC to Intervene Out of Time is granted.

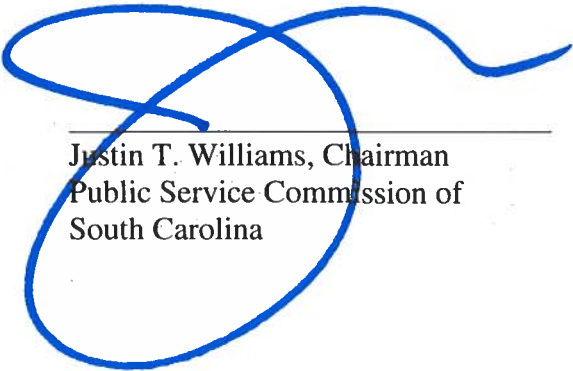
### ORDERING PARAGRAPHS

1. The Petition of SCEUC to Intervene Out of Time is granted.

2. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:



  
Justin T. Williams, Chairman  
Public Service Commission of  
South Carolina